



Olivier N. Antoine  
OAntoine@crowell.com  
(212) 803-4022 direct

Crowell & Moring LLP  
590 Madison Ave., 20th Floor  
New York, NY 10022

October 5, 2023

VIA ECF ONLY

Honorable Paul A. Crotty  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007

Re: *DIRECTV, LLC v. Nexstar Media Group, Inc.*, No. 1:23-cv-02221

Dear Judge Crotty:

We represent plaintiff DIRECTV, LLC in the above referenced matter. On June 27, 2023, the three defendants (Nexstar Media Group, Inc., White Knight Broadcasting, Inc., and Mission Broadcasting, Inc.) filed a motion to dismiss that has been fully briefed and submitted since July 24, 2023. This week, each defendant filed a “Motion to Dismiss Status Update” letter. (Dkt. # 69, 70, 71). Nexstar initiated these filings with a letter informing the Court that: (i) in September 2023 Nexstar and DIRECTV entered into a new retransmission consent agreement (“RCA”); and (ii) the RCA does not impact the parties’ arguments about standing in Defendants’ motion to dismiss.

To avoid any doubt, the new RCA does not resolve or diminish any of DIRECTV’s claims in this action. DIRECTV’s arguments in its opposition (*see* Dkt. #61) to the pending motion to dismiss have not changed. DIRECTV’s standing is based on lost profits arising from the blackout of stations owned by Defendants Mission Broadcasting and White Knight. Those blackouts remain in effect and have continued throughout this case. DIRECTV’s escalating damages and the related harm to consumers warrant prompt resolution of Defendants’ motion to dismiss, so that the parties can proceed to discovery and the merits of DIRECTV’s claims.

Respectfully submitted,

*/s/ Olivier N. Antoine*

Cc: All counsel of record (via ECF only)